

## Union Calendar No.

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H.R. 1276

[Report No. 105-]

the authorize appropriations for fiscal years 1998 and 1999 for

Agency,

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. CALVERT introduced the following bill; which was referred to the  
Committee on Science

APRIL , 1997

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For test of introduced bill. see copy of bill as introduced on April 10, 1997]

---

## A BILL

To authorize appropriations for fiscal years 1998 and 1999  
for the research, development, and demonstration activi-  
ties of the Environmental Protection Agency, and for  
other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Environmental Re-*  
3 *search, Development, and Demonstration Authorization Act*  
4 *of 1997”.*

5 **SEC. 2. DEFINITIONS.**

6 *For the purposes of this Act, the term-*

7 (1) *“Administrator” means the Administrator of*  
8 *the Environmental Protection Agency;*

9 (2) *“Agency” means the Environmental Protec-*  
10 *tion Agency; and*

11 (3) *“Assistant Administrator” means the Assist-*  
12 *ant Administrator for Research and Development of*  
13 *the Agency.*

14 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) *IX GENERAL.—There are authorized to be appro-*  
16 *priated to the Administrator \$481,064,800 for fiscal year*  
17 *1998 and \$494,806,500 for fiscal year 1999 for Science and*  
18 *Technology activities, including program management and*  
19 *support, in the areas specified in subsection (b).*

20 (b) *SPECIFIC PROGRAMS AND ACTIVITIES.—Of the*  
21 *amounts authorized in subsection (a), there are authorized*  
22 *to be appropriated the following:*

23 (1) *For administration and resource manage-*  
24 *ment, \$227,700 for fiscal year 1998 and \$234,500 for*  
25 *fiscal year 1999.*

1           (2) *For research in the Office of Air and Radi-*  
2           *ation, \$81,898,900 for fiscal year 1998 and*  
3           *\$84,355,800 for fiscal year 1999, of which-*

4                   (A) *\$43,183,300 for fiscal year 1998 and*  
5                   *\$44,478,800 for fiscal year 1999 shall be avail-*  
6                   *able for ozone, carbon monoxide, and nitrogen*  
7                   *oxides research;*

8                   (B) *\$6,741,200 for fiscal year 1998 and*  
9                   *\$6,943,400 for fiscal year 1999 shall be available*  
10                  *for particulate matter, visibility, and haze re-*  
11                  *search;*

12                  (C) *\$4,249,200 for fiscal year 1998 and*  
13                  *\$4,376,700 for fiscal year 1999 shall be available*  
14                  *for air toxics research;*

15                  (D) *\$4,000,000 for fiscal year 1998 and*  
16                  *\$4,120,000 for fiscal year 1999 shall be available*  
17                  *for acid rain research;*

18                  (E) *\$16,408,200 for fiscal year 1998 and*  
19                  *\$16,900,400 for fiscal year 1999 shall be avail-*  
20                  *able for climate change research;*

21                  (F) *\$2,389,900 for fiscal year 1998 and*  
22                  *\$2,461,600 for fiscal year 1999 shall be available*  
23                  *for indoor environment research;*

1                   (G) \$4,147,100 for fiscal year 1998 and  
2                   \$4,271,500 for fiscal year 1999 shall be available  
3                   for radiation research; and

4                   (H) \$780,000 for fiscal year 1998 and  
5                   \$803,400 for fiscal year 1999 shall be available  
6                   for the working capital fund to support the Na-  
7                   tional Vehicle and Fuel Emissions Laboratory in  
8                   Ann Arbor, Michigan, the National Air and Ra-  
9                   diation Environmental Laboratory in Montgom-  
10                  ery, Alabama, and the Radiation and Indoor  
11                  Environments National Laboratory in Las  
12                  Vegas, Nevada.

13                 (3) For enforcement and compliance assurance  
14                 at the National Enforcement Investigation Center,  
15                 \$8,893,100 for fiscal year 1998 and \$9,159,900 for  
16                 fiscal year 1999.

17                 (4) For prevention, pesticides, and toxic sub-  
18                 stances, \$3,436,000 for fiscal year 1998 and  
19                 \$3,539,100 for fiscal year 1999, of which-

20                         (A) \$1,546,200 for fiscal year 1998 and  
21                         \$1,592,600 for fiscal year 1999 shall be available  
22                         for registration activities; and

23                         (B) \$1,889,800 for fiscal year 1998 and  
24                         \$1,946,500 for fiscal year 1999 shall be available  
25                         for reregistration activities.

1           ***(5) For the Office of Research and Development,***  
2           ***\$401,278,500 for fiscal year 1998 and \$412,626,600***  
3           ***for fiscal year 1999, of which-***

4                   ***(A) \$105,457,900 for fiscal year 1998 and***  
5                   ***\$108,621,600 for fiscal year 1999 shall be avail-***  
6                   ***able for ecosystem protection research;***

7                   ***(B) \$14,138,600 for fiscal year 1998 and***  
8                   ***\$14,562,800 for fiscal year 1999 shall be avail-***  
9                   ***able for global change research;***

10                  ***(C) \$19,871,100 for fiscal year 1998 and***  
11                  ***\$20,467,200 for fiscal year 1999 shall be avail-***  
12                  ***able for air toxics research;***

13                  ***(D) \$3,344,800 for fiscal year 1998 and***  
14                  ***\$3,445,100 for fiscal year 1999 shall be available***  
15                  ***for waste, site, and risk characterization re-***  
16                  ***search;***

17                  ***(E) \$5,448,900 for fiscal year 1998 and***  
18                  ***\$5,612,400 for fiscal year 1999 shall be available***  
19                  ***for waste management and site remediation re-***  
20                  ***search;***

21                  ***(F) \$53,626,000 for fiscal year 1998 and***  
22                  ***\$55,234,800 for fiscal year 1999 shall be avail-***  
23                  ***able for human health protection research;***

1 (G) \$15,872,900 for **fiscal year 1998 and**  
2 \$16,349,100 for **fiscal year 1999 shall be avail-**  
3 **able for special environmental hazards research;**

4 (H) \$42,036,000 for **fiscal year 1998 and**  
5 \$43,297,100 for **fiscal year 1999 shall be avail-**  
6 **able for new technology and pollution prevention**  
7 **research; and**

8 (I) \$141,482,300 for **fiscal year 1998 and**  
9 \$145,036,500 for **fiscal year 1999 shall be avail-**  
10 **able for science quality and infrastructure re-**  
11 **search.**

12 (6) **For the Drinking Water Technical Support**  
13 **Center, \$1,738,800 for fiscal year 1998 and**  
14 **\$1,791,000 for fiscal year 1999.**

15 **Notwithstanding paragraphs (1) through (6), the total**  
16 **amount which may be appropriated under this subsection**  
17 **shall not exceed the overall sums stated in subsection (a).**

18 (c) **ADDITIONAL AUTHORIZATIONS.—There are author-**  
19 **ized to be appropriated to the Administrator-**

20 (1) **for criteria air pollutants research by the Of-**  
21 **fice of Research and Development, \$75,163,100 for fis-**  
22 **cal year 1998 and \$77,418,000 for fiscal year 1999,**  
23 **including—**

1                   **(A) \$50,000,000 for fiscal year 1998 and**  
2                   **\$51,500,000 for fiscal year 1999 for particulate**  
3                   **matter research; and**

4                   **(B) \$18,700,000 for fiscal year 1998 and**  
5                   **\$19,260,000 for fiscal year 1999 for ozone re-**  
6                   **search, including study of the transportation of**  
7                   **ozone and ozone precursors on a national scale;**

8                   **(2) for drinking water research by the Office of**  
9                   **Research and Development, \$39,467,600 for fiscal**  
10                  **year 1998 and \$40,651,600 for fiscal year 1999;**

11                  **( 3 ) for oil pollution related research, \$1,017,200**  
12                  **for fiscal year 1998 and \$1,047,700 for fiscal year**  
13                  **1999;**

14                  **( 4 ) for research related to leaking underground**  
15                  **storage tanks, \$693,600 for fiscal year 1998 and**  
16                  **\$714,400 for fiscal year 1999; and**

17                  **(5) for research related to the Comprehensive En-**  
18                  **vironmental Response, Compensation, and Liability**  
19                  **Act of 1980 , \$39,755,900 for fiscal year 1998 and**  
20                  **\$40,948,600 for fiscal year 1999 .**

21                  **(d) LIMITATIONS.—Other than amounts awarded**  
22                  **through a competitive process, or as specifically authorized**  
23                  **by an Act other than a general appropriations Act, no**  
24                  **funds are authorized to be appropriated by this Act for—**

1           **(1) the North Dakota Center for Air Toxic Metals**  
2           **Research;**

3           **(2) Oil Spill Restoration at the Louisiana Envi-**  
4           **ronmental Research Center;**

5           **(3) the Mine Waste Technology Program;**

6           **(4) Livestock and Agriculture Pollution Abate-**  
7           **ment;**

8           **(5) Resource and Agriculture Policy Develop-**  
9           **ment;**

10          **(6) San Joaquin Valley PM-10 Study;**

11          **(7) the Clean Air Status and Trends Network**  
12          **(CASNET) monitoring station in New England;**

13          **(8) the National Decentralized Water Resources**  
14          **Capacity Project;**

15          **(9) the Lung Disease Study by the National**  
16          **Jewish Center;**

17          **(10) the Lower Mississippi River Cancer Study;**

18          or

19          **(11) the Northern Iowa Small Business Pollution**  
20          **Prevention Center.**

21          **(e) TRANSBOUNDARY POLLUTION RESEARCH.—From**  
22          **funds appropriated pursuant to this Act, \$1,000,000 are**  
23          **authorized to be appropriated to the Administrator for each**  
24          **of the fiscal years 1998 and 1999 to support the United**  
25          **States-Mexico Foundation for Science for research related**



1 *to environmental issues in the United States-Mexico*  
2 *transboundary region, including the Salton Sea.*

3 **SEC. 4. SCIENTIFIC RESEARCH REVIEW.**

4 *The Administrator shall assign to the Assistant Ad-*  
5 *ministrator the duties of-*

6 *(1) developing a strategic plan for scientific and*  
7 *technical research activities throughout the Agency;*

8 *(2) integrating that strategic plan into ongoing*  
9 *Agency planning activities; and*

10 *(3) reviewing all Agency research to ensure the*  
11 *research-*

12 *(A) is of high quality; and*

13 *(B) does not duplicate any other research*  
14 *being conducted by the Agency.*

15 **SEC. 5. GRADUATE STUDENT FELLOWSHIPS.**

16 *In carrying out the graduate student fellowship pro-*  
17 *gram for which finds are authorized to be appropriated by*  
18 *this Act, the Administrator shall ensure that any fellowship*  
19 *award to a student selected after the date of the enactment*  
20 *of this Act is used only to support scientific research that*  
21 *would further missions of the Office of Research and Devel-*  
22 *opment.*

23 **SEC. 6. SCIENCE ADVISORY BOARD.**

24 *(a) ANNUAL REPORT. -The Science Advisory Board*  
25 *shall submit to Congress and to the Administrator an an-*

1 *nual report that contains the views of the Science Advisory*  
2 *Board on proposed research programs as described in the*  
3 *President's budget for research, development, and dem-*  
4 *onstration activities at the Environmental Protection Agen-*  
5 *cy. Such report shall be submitted to Congress as soon as*  
6 *practicable after the submission of the President's budget*  
7 *to Congress. The Administrator shall cooperate with the Di-*  
8 *rector of the Science Advisory Board, particularly with re-*  
9 *spect to the timely provision of budget information to the*  
10 *Science Advisory Board, to allow the Science Advisory*  
11 *Board to carry out its duties under this subsection.*

12 (b) *EVAL UATION.—The Science Advisory Board shall*  
13 *conduct periodic evaluations of selected areas of the current*  
14 *and planned research, development, and demonstration ac-*  
15 *tivities of the Environmental Protection Agency. The areas*  
16 *of evaluation shall be selected by the Science Advisory*  
17 *Board in consultation with the Administrator, the Office*  
18 *of Research and Development, other Agency programs, and*  
19 *appropriate committees of the Congress. Reports containing*  
20 *the Science Advisory Board's evaluations and recommenda-*  
21 *tions shall be filed with such committees and the Adminis-*  
22 *trator. The Administrator shall provide to such committees*  
23 *a written response to the Science Advisory Board's evalua-*  
24 *tion and recommendations within 60 days after the Science*  
25 *Advisory Board's report has been submitted.*

1       **(c) SUBMISSION TO CONGRESS.**—*The Administrator*  
2 *shall submit to the Congress any report required by law*  
3 *to be submitted to the Administrator by the Science Advi-*  
4 *sory Board. The Administrator shall make any such sub-*  
5 *mission not later than 60 days after the Administrator re-*  
6 *ceives the report from the Science Advisory Board.*

7       **(d) AUTHORIZATION.**—*There are authorized to be ap-*  
8 *propriated to the Administrator \$2,418,300 for fiscal year*  
9 *1998 and \$2,490,800 for fiscal year 1999 for activities of*  
10 *the Science Advisory Board.*

11 **SEC. 7. LIMITATIONS.**

12       **(a) PROHIBITION OF LOBBYING ACTIVITIES.**—*None of*  
13 *the funds authorized by this Act shall be available for any*  
14 *activity whose purpose is to influence legislation pending*  
15 *before the Congress, except that this subsection shall not pre-*  
16 *vent officers or employees of the United States or of its de-*  
17 *partments or agencies from communicating to Members of*  
18 *Congress on the request of any Member or to Congress,*  
19 *through the proper channels, requests for legislation or ap-*  
20 *propriations which they deem necessary for the efficient*  
21 *conduct of the public business.*

22       **(b) LIMITATION ON APPROPRIATIONS.**—*No sums are*  
23 *authorized to be appropriated to the Administrator for fis-*  
24 *cal years 1998 and 1999 for the activities for which sums*

1 *are authorized by this Act, unless such sums are specifically*  
2 *authorized to be appropriated by this Act.*

3 (c) *ELIGIBILITY FOR AWARDS.—*

4 (1) *IN GENERAL.—The Administrator shall ex-*  
5 *clude from consideration for grant agreements made*  
6 *by the Agency after fiscal year 1997 any person who*  
7 *received funds, other than those described in para-*  
8 *graph (2), appropriated for a fiscal year after fiscal*  
9 *year 1997, under a grant agreement from any Fed-*  
10 *eral funding source for a project that was not sub-*  
11 *jected to a competitive, merit-based award process.*  
12 *Any exclusion from consideration pursuant to this*  
13 *subsection shall be effective for a period of 5 years*  
14 *after the person receives such Federal funds.*

15 (2) *EXCEPTION.—Paragraph (1) shall not apply*  
16 *to the receipt of Federal funds by a person due to the*  
17 *membership of that person in a class specified by law*  
18 *for which assistance is awarded to members of the*  
19 *class according to a formula provided by law.*

20 (3) *DEFINITION.—For purposes of this sub-*  
21 *section, the term “grant agreement” means a legal in-*  
22 *strument whose principal purpose is to transfer a*  
23 *thing of value to the recipient to carry out a public*  
24 *purpose of support or stimulation authorized by a*  
25 *law of the United States, and does not include the ac-*

1        **quisition (by purchase, lease, or barter) of property or**  
2        **services for the direct benefit or use of the United**  
3        **States Government. Such term does not include a co-**  
4        **operative agreement (as such term is used in section**  
5        **6305 of title 31, United States Code) or a cooperative**  
6        **research and development agreement (as such term is**  
7        **defined in section 12(d)(1) of the Stevenson-Wydler**  
8        **Technology Innovation Act of 1980 (15 U.S. C.**  
9        **371 0a(d)(1))).**

10    **SEC. 8. NOTICE.**

11        **(a) NOTICE OF REPROGRAMMING.—If any funds au-**  
12        **thorized by this Act are subject to a reprogramming action**  
13        **that requires notice to be provided to the Appropriations**  
14        **Committees of the House of Representatives and the Senate,**  
15        **notice of such action shall concurrently be provided to the**  
16        **Committees on Science, Commerce, and Transportation and**  
17        **Infrastructure of the House of Representatives and the Com-**  
18        **mittee on Environment and Public Works of the Senate.**

19        **(b) NOTICE OF REORGANIZATION.—The Administrator**  
20        **shall provide notice to the Committees on Science, Com-**  
21        **merce, Transportation and Infrastructure, and Appropria-**  
22        **tions of the House of Representatives, and the Committees**  
23        **on Environment and Public Works and Appropriations of**  
24        **the Senate, not later than 15 days before any major reorga-**  
25        **nization of any program, project, or activity of the Agency.**

1 **SEC. 9. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.**

2 **With the year 2000 fast approaching, it is the sense**  
3 **of Congress that the Environmental Protection Agency**  
4 **should—**

5 **(1) priority2-digitrecting all**  
6 **date-related problems in its computer systems to en-**  
7 **sure that those systems continue to operate effectively**  
8 **in the year 2000 and beyond;**

9 **(2) assess immediately the extent of the risk to**  
10 **the operations of the Environmental Protection Agen-**  
11 **cy posed by the problems referred to in paragraph (1),**  
12 **and plan and budget for achieving Year 2000 compli-**  
13 **ance for all of its mission-critical systems; and**

14 **(3) develop contingency plans for those systems**  
15 **that the Environmental Protection Agency is unable**  
16 **to correct in time.**

17 **SEC. 10. BUY AMERICAN.**

18 **(a) COMPLIANCE WITH BUY AMERICAN AC T. - No**  
19 **funds appropriated pursuant to this Act may be expended**  
20 **by an entity unless the entity agrees that in expending the**  
21 **assistance the entity will comply with sections 2 through**  
22 **4 of the Act of March 3, 1933 (41 U.S. C. 10a-10c, popu-**  
23 **larly known as the “Buy American Act”).**

24 **(b) SENSE OF CONGRESS.- I n the case of any equip-**  
25 **ment or products that may be authorized to be purchased**  
26 **with financial assistance provided under this Act, it is the**

1 *sense of Congress that entities receiving such assistance*  
2 *should, in expending the assistance, purchase only Amer-*  
3 *ican-made equipment and products.*

4 (c) *NOTICE TO RECIPIENTS OF ASSISTANCE.—In pro-*  
5 *viding financial assistance under this Act, the Adminis-*  
6 *trator shall provide to each recipient of the assistance a no-*  
7 *tice describing the statement made in subsection (a) by the*  
8 *Congress.*